

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

GREGG SMITH,
MICHAEL NOWAK,
JEFFREY RUFFO, and
CHRISTOPHER JORDAN,

Defendants.

No. 19 CR 669

Judge Edmond E. Chang

**DECLARATION OF MATTHEW F. SULLIVAN IN SUPPORT
OF THE UNITED STATES' MOTION FOR A HEARING (DKT. NO. 78)**

I, Matthew F. Sullivan, counsel for the United States, hereby declare and state as follows:

1. Attached as **Exhibit A** is a true and correct copy of the press release, *CFTC's 2008 Fiscal Year Enforcement Roundup*, CFTC Release No. 5562-08 (October 2, 2008).
2. Attached as **Exhibit B** is a true and correct copy of the press release, *CFTC Closes Investigation Concerning the Silver Markets*, CFTC Release No. 6709-13 (September 25, 2013).
3. Attached as **Exhibit C** is a true and correct copy of the statement from CFTC Commissioner Bart Chilton, *Statement at the CFTC Public Meeting on Anti-Manipulation and Disruptive Trading Practices* (October 26, 2010).

4. Attached as **Exhibit D** is a true and correct copy of the October 21, 2019 letter from David Newman to Avi Perry.
5. Attached as **Exhibit E** is a true and correct copy of the press release, *Chairman Gary Gensler Announces the Appointment of David Meister as Director of Enforcement*, CFTC Release No. 5930-10 (November 1, 2010).
6. Attached as **Exhibit F** is a true and correct copy of Prohibition on the Employment, or Attempted Employment, of Manipulative and Deceptive Devices and Prohibition on Price Manipulation, 76 Fed. Reg. 41,398 (July 14, 2011).
7. Attached as **Exhibit G** is a true and correct copy of Antidisruptive Practices Authority, 78 Fed. Reg. 31,890 (May 28, 2013).
8. Attached as **Exhibit H** is a true and correct copy of the press release, *CFTC Orders Panther Energy Trading LLC and its Principal Michael J. Coscia to Pay \$2.8 Million and Bans Them from Trading for One Year, for Spoofing in Numerous Commodity Futures Contracts*, CFTC Release No. 6649-13 (July 22, 2013).
9. Attached as **Exhibit I** is a true and correct copy of the press release, *CFTC Announces Departure of Enforcement Director David Meister*, CFTC Release No. 6735-13 (October 1, 2013).
10. Attached as **Exhibit J** is a true and correct copy of the New York State Bar Association's New York Rules of Professional Conduct with

Comments (as amended through June 1, 2018) (<https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=50671>).

11. Attached as **Exhibit K** is a true and correct copy of the Memorandum of Law in Support of Defendant John Pacilio's Motion to Dismiss the Indictment filed in *United States v. Bases, et al.*, 18-cr-48, Dkt. No. 118 (N.D. Ill. November 16, 2018).
12. Attached as **Exhibit L** is a true and correct copy of the Memorandum of Law in Support of Defendant's Motion to Dismiss the Superseding Indictment or, in the Alternative, to Strike Prejudicial Surplusage filed in *United States v. Flotron*, 17-cr-220, Dkt. No. 67 (D. Conn. February 6, 2018).

Respectfully submitted,

/s/Matthew F. Sullivan
Matthew F. Sullivan
Trial Attorney

Dated: January 10, 2020

CERTIFICATE OF SERVICE

I, Matthew F. Sullivan, hereby certify that on January 10, 2020, I caused the foregoing Declaration of Matthew F. Sullivan to be electronically filed with the Clerk of Court by using the Court's electronic filing system, which will automatically send a notice of electronic filing to the parties who have entered an appearance in this case.

/s/Matthew F. Sullivan
Matthew F. Sullivan